

BEFORE THE BOARD OF MEDICAL EXAMINERS STATE OF IOWA

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL L. BURNS, M.D., RESPONDENT

File No. 02-95-439

\*\*\*\*\*

TERMINATION ORDER

\*\*\*\*\*

NOW ON July 25, 2003, BE IT REMEMBERED:

1. That on June 28, 2000, the Iowa Board of Medical Examiners (the Board) issued an Order placing restrictions on the Iowa medical license, number 31076, issued to Michael L. Burns, M.D. (Respondent);

2. That on July 24, 2003, Respondent filed a request with the Board seeking termination of the restrictions placed on his Iowa medical license, and;

3. That on July 24, 2003, the Board voted to authorize the termination of the restrictions placed on Respondent's Iowa medical license.

**THEREFORE IT IS HEREBY ORDERED:**

That the restrictions placed upon the Respondent's Iowa medical license are terminated, and the license is returned to its full privileges free and clear of all restrictions.

 MD

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Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup>, Suite C  
Des Moines, Iowa 50309-4686

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**MICHAEL L. BURNS, M.D., RESPONDENT**

**No. 02-95-439**

\*\*\*\*\*

**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), and  
Michael L. Burns, M.D., (Respondent), on June 28, 2000, and pursuant to  
Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges,  
Settlement Agreement and Final Order.

**STATEMENT OF CHARGES**

1. Respondent was issued license number 31076 to practice medicine and surgery  
in Iowa on February 27, 1996.
2. Respondent's Iowa medical license is valid and will next expire on October 1,  
2000.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147,  
148 and 272C.

## **COUNT I**

4. Respondent is charged pursuant to Iowa Code section 148.6(2)(i) of the Code of Iowa (1999) with violating a lawful order of the Board.

## **CIRCUMSTANCES**

5. On July 28, 1995, Respondent entered into a Stipulation with the North Dakota Board of Medical Examiners which restricted his medical license due to concerns that a medical condition impaired his ability to practice medicine with reasonable skill and safety.

6. On February 22, 1996, Respondent was issued an Iowa medical license and entered into a Consent Agreement which placed certain terms and conditions on Respondent's ability to practice medicine in Iowa.

7. Paragraph 2(e) of the Consent Agreement approved by the Board on February 22, 1996, requires that Respondent, "...continue treatment with the Board-approved psychiatrist until discharged by the psychiatrist and until the discharge is approved by the Board."

8. On one occasion, Respondent failed to keep an appointment for treatment with his Board-approved psychiatrist while practicing in Iowa as required by the Consent Agreement.

9. Paragraph 2(i) of the Consent Agreement approved by the Board on February 22, 1996, requires that Respondent, "...submit sworn reports to the Board not later than the 10<sup>th</sup> of each month that he is practicing in Iowa under the terms of [the] Consent Agreement stating that he is in compliance with all the terms and provisions of [the] Consent Agreement."

10. On two occasions, Respondent failed to submit sworn monthly reports to the Board for each month he has practiced medicine in Iowa as required by the Consent Agreement.

### **SETTLEMENT AGREEMENT**

11. Respondent admits the allegations contained in the Statement of Charges.

12. Respondent is hereby **CITED** for violating a lawful order of the Board when he failed to continue treatment with the Board-approved psychiatrist and he failed to submit monthly reports to the Board as required in a Consent Agreement entered into with the Board on February 22, 1996. Respondent is hereby **WARNED** that future violations of the Consent Agreement may result in the suspension or revocation of his Iowa medical license.

13. Upon the Board's approval of this Statement of Charges, Settlement Agreement and Final Order, Respondent agrees to fully comply with all terms established in the February 22, 1996, Consent Agreement, including paragraph 2(d), which requires that Respondent continue treatment with his Board-approved psychiatrist while he practices medicine in Iowa.

14. Upon the Board's approval of this Statement of Charges, Settlement Agreement and Final Order, Respondent agrees to fully comply all terms established in the February 22, 1996, Consent Agreement, including paragraph 2(i), which requires that Respondent submit sworn reports to the Board not later than the 10<sup>th</sup> of each month while he is practicing in Iowa stating that he is in compliance with all the terms and provisions of the Consent Agreement.

15. Immediately upon the Board's approval of this Statement of Charges, Settlement Agreement and Final Order, Respondent shall be *prohibited* from performing locum tenums in the state of Iowa.

16. Respondent shall appear before a committee of the Board on June 27, 2001. The Board will provide prior written notice outlining the time and location of the Board appearance.

17. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

18. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272C and 653 IAC 12.2.

19. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

20. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

21. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

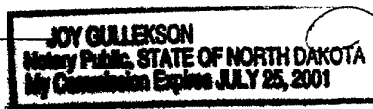
22. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

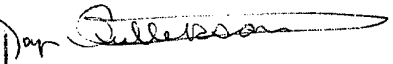
23. The Board's approval of this combined Statement of Charges and Settlement Agreement shall constitute a **FINAL ORDER** of the Board.

  
Michael L. Burns, M.D., Respondent

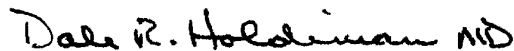
Subscribed and sworn to before me on April 11, 2001.

Notary Public, State of No. DAK





This combined Statement of Charges and Settlement Agreement and Final Order is approved  
by the Board on June 28, 2001.

  
Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

cc: Theresa O'Connell Weeg, Esq.  
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